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7 Attorneys for Defendant
 8 UNITED STATES FIRE INSURANCE COMPANY

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10 IN THE UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA
 12 (OAKLAND DIVISION)

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14 LENSCRAFTERS, INC.; and EYEXAM
 15 OF CALIFORNIA, INC.;

16 Plaintiffs,

17 vs.
 18 LIBERTY MUTUAL FIRE INSURANCE
 19 COMPANY; EXECUTIVE RISK
 SPECIALTY INSURANCE COMPANY;
 UNITED STATES FIRE INSURANCE
 COMPANY; MARKEL AMERICAN
 20 INSURANCE COMPANY; and
 WESTCHESTER FIRE INSURANCE
 COMPANY,

22 Defendants.

23 Case No. C-07-2853 SBA
 24 The Honorable Saundra B. Armstrong

25 **E-FILING**

26 **AMENDED NOTICE OF UNITED STATES
 27 FIRE INSURANCE COMPANY'S MOTION
 TO DISMISS OR, IN THE ALTERNATIVE,
 STAY ACTION IN FAVOR OF PRIOR-
 PENDING NEW YORK STATE COURT
 ACTION**

28 Date: September 18, 2007
 Time: 1:00 p.m.
 Courtroom: 3

1 ALL PARTIES AND THEIR COUNSEL OF RECORD:

2 PLEASE TAKE NOTICE that, at the Court's direction, UNITED STATES FIRE
3 INSURANCE COMPANY ("U.S. Fire") files this amended notice of motion and motion to
4 dismiss, or in the alternative stay, this action. On September 18, 2007 at 1:00 p.m., or as soon
5 thereafter as counsel can be heard in the above-entitled Court located at 1301 Clay Street,
6 Courtroom 3, Oakland, California, defendant U.S. Fire will and hereby does move to dismiss, or
7 in the alternative stay, this action in favor of the prior-filed action -- proceeding on the same
8 issues of contract interpretation and involving the same parties -- currently pending in New York
9 State Court. This motion is based upon this Notice of Motion and Motion, the Memorandum of
10 Points and Authorities, the Request for Judicial Notice, the declarations of Amy E. Rose and the
11 exhibits thereto filed and served on July 18, 2007 and such other evidence or oral argument as
12 may be presented to the Court at the hearing on this motion.

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14 Dated: July 19, 2007

SQUIRE, SANDERS & DEMPSEY L.L.P.

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16 By: /s/ Amy E. Rose

Amy E. Rose

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18 Attorneys for Defendant
UNITED STATES FIRE INSURANCE
COMPANY

PROOF OF SERVICE

I am employed in the County of San Francisco, State of California. I am over the age of 18 and not a party to the within action; my business address is One Maritime Plaza, Third Floor, San Francisco, California 94111-3492.

On July 19, 2007, I served the following document described as:

**AMENDED NOTICE OF UNITED STATES FIRE INSURANCE COMPANY'S
MOTION TO DISMISS OR, IN THE ALTERNATIVE, STAY ACTION IN FAVOR OF
PRIOR-PENDING NEW YORK STATE COURT ACTION**

VIA THE UNITED STATES DISTRICT COURT ELECTRONIC FILING SERVICE on interested parties in this action as set forth below:

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Executed on July 19, 2007, at San Francisco, California. I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

/s/ Agnes Gacayan
Agnes Gacayan